THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.25603 of 2005

1st December, 2005

Between:

Md.Ghouse Khan

…Petitioner

and

The Managing Director cum Chairman

A.P.Genco Vidyuth Soudha Somajiguda,

Hyderabad and others

…Respondents

O R D E R:

The petitioner claims that he worked as a contract labour in one of the prohibited categories of employment in the then
A.P. Electricity Board. He claims the benefit under BPSMS 37, dated 18.05.1997, and other related Circulars, in the matter of absorption into service of the respondents. On an earlier occasion, the petitioner approached this court with similar relief and the same was disposed of with a direction to consider his case '*de novo'.* On such consideration, the 2nd respondent passed an order, dated 28.03.2002, rejecting the case of the petitioner. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The A.P. Electricity Board, which has since been re-organsied, framed a scheme in BPSMS 37, dated 18.5.1997, for absorption of contract labour, who are engaged in

prohibitory categories of employment. Hundreds of writ petitions came to be filed seeking the benefit thereunder. On a consideration of the same, this Court directed the concerned appointing authorities to undertake
re-verification of facts, duly giving opportunity to the writ petitioners. It was in this context, that the 2nd respondent considered the case of the petitioner '*de novo'.* The 2nd respondent passed an order, dated 28.03.2002, stating that the petitioner is not able to substantiate his case for absorption.

This court cannot re-appreciate the evidence or to re-verify the facts in a writ petition under Article 226 of the Constitution of India. If the petitioner is so advised, he can raise an industrial dispute in accordance with the procedure prescribed under the Industrial Disputes Act and the Rules made thereunder.

Hence, the writ petition is disposed of, leaving it open to the petitioner to work out his remedies in accordance with the provisions of the Industrial Disputes Act. There shall be no order as to costs.

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1st December, 2005

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